

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ALEJANDRO MORALES,
*on behalf of himself and those similarly
situated,*

Plaintiff,

vs.

HEALTHCARE REVENUE RECOVERY
GROUP, LLC, and JOHN DOES 1 to 10,

Defendants.

Civil Action No. 2:15-cv-08401-ES-JAD

AMENDED PRETRIAL SCHEDULING
ORDER

THIS MATTER having come before the Court by way of a telephone status conference held on December 2, 2016, and for good cause shown:

IT IS on this 16 day of Dec, 2016,

ORDERED THAT:

I. DISCLOSURES

1. Fed. R. Civ. P. 26 disclosures have been exchanged.

II. DISCOVERY

2. The parties will proceed with discovery regarding all matters relevant to the merits and Rule 23.

3. Fact discovery is to remain open through January 20, 2017.

4. No objections to questions posed at depositions shall be made other than as to lack of foundation, form, or privilege. See Fed. R. Civ. P. 32(d)(3)(A). No instruction not to answer shall be given unless a privilege is implicated.

5. Any discovery dispute shall be brought to the Court's attention in the first instance by letter or by telephone conference call immediately after the parties' good faith attempt to resolve the dispute has failed. See L. Civ. R. 16.l(f)(l).

6. No discovery motion or motion for sanctions for failure to provide discovery shall be made without prior leave of Court.

III. DISCOVERY CONFIDENTIALITY ORDERS

7. Discovery Confidentiality Order was entered on December 8, 2016 (ECF No. 34).

IV. FUTURE CONFERENCES

8. There shall be a telephonic status conference before the undersigned on January 23, 2017 at 3:30 p.m. Counsel for Plaintiff is to initiate the call to 972-645-2580.

9. The Court may from time to time schedule further conferences as may be required, either *sua sponte* or at the request of a party.

10. Counsel should be prepared to discuss settlement at every conference with the Court. The senior attorney in charge of the case must attend all settlement conferences and client(s) with full settlement authority must either attend or be immediately available by telephone. In cases involving insurance companies and other corporate or business entities, it is expected that the executive who will make the final decision on the settlement will be the person available for the conference.

11. Since all dates set forth herein are established with the assistance and knowledge of counsel, there will be no extensions except for good cause shown and by leave of Court, even with consent of all counsel.

12. A copy of every pleading, document, or written communication with the Court shall be served on all other parties to the action. Any such communication which does not recite or contain a certification of such service may be disregarded by the Court.

V. MOTIONS

13. Any motion to add new parties or amend pleadings, whether by amended or third party complaint, must be filed not later than January 20, 2017.

14. Any motion to amend pleadings must be filed not later than January 20, 2017.

15. No motions are to be filed without prior written permission from this Court. All dispositive motions must first be subject to a dispositive motion pre-hearing in order to assure proper calendar control. These prerequisites must be met before any motions are filed and the motions will be returned if not met. All calendar or dispositive motions, if permitted, shall comply with Local Civil Rules 7.1(b), and 78.1.

16. Dispositive motions, if any, are to be filed by (TBD).

~~a. Defendant to file its motion for summary judgment by February 20, 2017.~~

JAD

17. Motion for class certification shall be filed by February 20, 2017.

VI. EXPERTS

18. Expert discovery is to remain open through (TBD).

19. Pursuant to Federal Rule of Civil Procedure 26(a)(2)(D), the parties shall identify their experts and deliver their expert reports in accordance with the following deadlines:

- a. All affirmative expert reports shall be delivered on or before (TBD). Any such report shall be in the form and content as required by Fed. R. Civ. P. 26(a)(2XB).
- b. All responding expert reports shall be delivered on or before (TBD). Any such report shall be in the form and content as described above.

20. No expert shall testify at trial as to any opinions or base those opinions on facts not substantially disclosed in his report.

VII. FINAL PRETRIAL CONFERENCE

21. A final pretrial conference shall be conducted pursuant to Fed. R. Civ. P. 16(e) at a time and date to be assigned.

22. Pursuant to paragraphs 14 and 15 of this Court's form of Final Pretrial Order, all pretrial submissions must be served upon the Court forty-eight (48) hours prior to the final pretrial conference.

23. All counsel are directed to assemble at the office of plaintiff's counsel not later than ten (10) days before the pretrial conference to prepare the proposed Final Pretrial Order in the form and content required by the Court, as well as the required pretrial submissions consisting of agreed-upon jury instructions, voir dire questions, verdict sheet, trial briefs and a neutral statement of the case to be read to the jury panel, all of which must be submitted forty-eight (48) hours before the final pretrial conference. Plaintiff's counsel shall prepare the Pretrial Order and shall submit it to all other counsel for approval.

24. With respect to non-jury trials, each party shall submit to the District Judge and to opposing counsel proposed Findings of Fact and Conclusions of Law, trial briefs and any hypothetical questions to be put to an expert witness on direct examination.

25. The original of the Final Pretrial Order shall be delivered to Chambers not later than forty-eight (48) hours before the pretrial conference, along with all pretrial submissions and trial briefs. All counsel are responsible for the timely submission of the Pretrial Order and submissions.

26. FAILURE TO FOLLOW THIS ORDER MAY RESULT IN SANCTIONS
PURSUANT TO Fed. R. Civ. P. 16(f) and 37.


Hon. Joseph A. Dickson

Case 2:15-cv-08401-ES-JAD Document 36-1 Filed 12/14/16 Page 4 of 4 PageID: 266

United States Magistrate Judge

cc:

Hon Esther Salas, USDT
All Parties